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Europäisches  
Patentamt

Generaldirektion 1

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Date

18.10.06

Reference B672	Application No./Patent No. 03809207.8 - 2401 PCT/US0338855
Applicant/Proprietor Diadexus, Inc.	

### COMMUNICATION

The European Patent Office herewith transmits as an enclosure the supplementary European search report under Article 157(2)(a) EPC for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

### Refund of the search fee

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent  
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SUPPLEMENTARY  
EUROPEAN SEARCH REPORT

Application Number  
EP 03 80 9207

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	DATABASE EMBL [Online] 8 June 2001 (2001-06-08), "Homo sapiens JM11 protein, mRNA (cDNA clone MGC:2962 IMAGE:3139519), complete cds." XP002380897 retrieved from EBI accession no. EM PRO:BC008769 Database accession no. BC008769 relevant to invention 1 * the whole document *	1-4, 6-11,14, 16	INV. C12N15/12 C12N15/11 C12N15/00 C12Q1/68 C12P21/02 A61K31/7088 A61K31/711
X	-& DATABASE UniProt [Online] 1 December 2001 (2001-12-01), "JM11 protein." XP002380898 retrieved from EBI accession no. UNIPROT:Q96HB5 Database accession no. Q96HB5 relevant to invention 1 * the whole document *	1-4, 6-11,14, 16	
X	WO 02/058534 A (CORIXA CORPORATION; STOLK, JOHN, A; XU, JIANGCHUN; CHENAULT, RUTH, A;) 1 August 2002 (2002-08-01) relevant to invention 1, see in particular SEQ ID NO: 1465	1-4, 6-11,14, 16	TECHNICAL FIELDS SEARCHED (IPC)
X	WO 01/70979 A (MILLENNIUM PREDICTIVE MEDICINE, INC; MILLENNIUM PHARMACEUTICALS, INC) 27 September 2001 (2001-09-27) relevant to inventions 1 and 95 * the whole document *	1-16	C12N C07K
		-/-	
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
8	Place of search	Date of completion of the search	Examiner
EPO FORM 1503/03.82 (P04C04)	Munich	4 October 2006	Morawetz, Renate
CATEGORY OF CITED DOCUMENTS		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ..... & : member of the same patent family, corresponding document	
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			



SUPPLEMENTARY  
EUROPEAN SEARCH REPORT

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	MARTOGLIO A-M ET AL: "CHANGES IN TUMORIGENESIS- AND ANGIOGENESIS-RELATED GENE TRANSCRIPT ABUNDANCE PRFILES IN OVARIAN CANCER DETECTED BY TAILED HIGH DENSITY CDNA ARRAYS" MOLECULAR MEDICINE, BLACKWELL SCIENCE, CAMBRIDGE, MA, US, vol. 6, no. 9, September 2000 (2000-09), pages 750-765, XP001097981 ISSN: 1076-1551 relevant to inventions 1 and 95 * the whole document *	1-16	
X	WELSH J B ET AL: "Analysis of gene expression profiles in normal and neoplastic ovarian tissue samples identifies candidate molecular markers of epithelial ovarian cancer" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE, WASHINGTON, DC, US, vol. 98, no. 3, 30 January 2001 (2001-01-30), pages 1176-1181, XP002975970 ISSN: 0027-8424 relevant to inventions 1 and 95 * the whole document *	1-16	TECHNICAL FIELDS SEARCHED (IPC)
X	WO 99/53040 A (METAGEN GESELLSCHAFT FUER GENOMFORSCHUNG MBH; SPECHT, THOMAS; HINZMANN) 21 October 1999 (1999-10-21) relevant to invention 95, see in particular SEQ ID NO: 94 * the whole document *	1-16	
		-/-	
8	The supplementary search report has been based on the last set of claims valid and available at the start of the search.		
Place of search		Date of completion of the search	Examiner
Munich		4 October 2006	Morawetz, Renate
CATEGORY OF CITED DOCUMENTS			
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T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ..... & : member of the same patent family, corresponding document			



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Application Number  
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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	<p>DATABASE Geneseq [Online] 22 August 2002 (2002-08-22), "Human ovarian antigen HWLHW86 cdNA, SEQ ID NO:153." XP002401122 retrieved from EBI accession no. GSN:ABQ54273 Database accession no. ABQ54273 relevant to invention 95 * the whole document *</p>	1-16	
X	<p>&amp; WO 02/00677 A (HUMAN GENOME SCIENCES, INC; BIRSE, CHARLES, E; ROSEN, CRAIG, A) 3 January 2002 (2002-01-03) * the whole document *</p>	1-16	
X	<p>----- DATABASE EMBL [Online] 18 March 2002 (2002-03-18), "Sequence 224 from Patent WO0196389." XP002401124 retrieved from EBI accession no. EM PAT:AX379182 Database accession no. AX379182 relevant to invention 95 * the whole document *</p>	1-4, 6-11,14, 16	TECHNICAL FIELDS SEARCHED (IPC)
X	<p>&amp; WO 01/96389 A (CORIXA CORPORATION; MEAGHER, MADELEINE, JOY; KING, GORDON, E; XU, JIAN) 20 December 2001 (2001-12-20) -----</p>	1-4, 6-11,14, 16	
X	<p>WO 01/71015 A (RIJKSUNIVERSITEIT GRONINGEN; DE LEIJ, LOU, FRANCISCUS, MARIA, HUBERTUS) 27 September 2001 (2001-09-27) relevant to invention 95 * the whole document *</p>	1-4, 6-11,14, 16	
		-/-	
8	<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>		
EPO FORM 1503.03.02 (P04004)	Place of search  Munich	Date of completion of the search  4 October 2006	Examiner  Morawetz, Renate
CATEGORY OF CITED DOCUMENTS		<p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ..... &amp; : member of the same patent family, corresponding document</p>	
<p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p>			



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SUPPLEMENTARY  
EUROPEAN SEARCH REPORT

Application Number  
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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
T	DATABASE Geneseq [Online] 18 November 2004 (2004-11-18), "Human diagnostic and therapeutic polynucleotide SEQ ID NO:1169." XP002401125 retrieved from EBI accession no. GSN:ACN42294 Database accession no. ACN42294 relevant to invention 95 * the whole document *	1-4, 6-11,14, 16	
E	& WO 2004/023973 A (INCYTE CORPORATION; SCHMIDT, JEANETTE, P; WRIGHT, RACHEL, J; BRUNS, CH) 25 March 2004 (2004-03-25) * the whole document *	1-4, 6-11,14, 16	
			-----  TECHNICAL FIELDS SEARCHED (IPC)
8	<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p> <p>Place of search      Date of completion of the search      Examiner</p> <p>Munich      4 October 2006      Morawetz, Renate</p> <p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons &amp; : member of the same patent family, corresponding document</p>		



European Patent  
Office

Application Number

EP 03 80 9207

### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
  
- No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:

1-16

all partially and insofar relating to invention 1 (SEQ ID NOS: 1  
129 and 130) or invention 95 (SEQ ID NOS: 95 and 254)

- None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

Invention 1: claims 1-16 (all partially)

An isolated nucleic acid molecule comprising: (a) a nucleic acid molecule comprising a nucleic acid sequence that encodes an amino acid sequence of SEQ ID NO: 129 or SEQ ID NO: 130; (b) a nucleic acid molecule comprising a nucleic acid sequence of SEQ ID NO: 1; (c) a nucleic acid molecule that selectively hybridizes to the nucleic acid molecule of (a) or (b); or (d) a nucleic acid molecule having at least 95% sequence identity to the nucleic acid molecule of (a) or (b), and subject-matter related thereto.

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Inventions 2-128: claims 1-16 (all partially)

An isolated nucleic acid molecule comprising: (a) a nucleic acid molecule comprising a nucleic acid sequence that encodes an amino acid sequence of SEQ ID NO: 131 (Invention 2) - SEQ ID NO: 295 (Invention 128); (b) a nucleic acid molecule comprising a nucleic acid sequence of SEQ ID NO: 2 (Invention 2) - SEQ ID NO: 128 (Invention 128); (c) a nucleic acid molecule that selectively hybridizes to the nucleic acid molecule of (a) or (b); or (d) a nucleic acid molecule having at least 95% sequence identity to the nucleic acid molecule of (a) or (b), and subject-matter related thereto.

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**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

**EP 03 80 9207**

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.  
The members are as contained in the European Patent Office EDP file on  
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**04-10-2006**

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